

BEFORE THE ENVIRONMENTAL QUALITY COUNCIL  
STATE OF WYOMING

**FILED**

JUN 03 2010

Jim Ruby, Executive Secretary  
Environmental Quality Council

IN THE MATTER OF THE APPEAL )  
OF POWDER RIVER BASIN RESOURCE )  
COUNCIL, BERNADETTE BARLOW, )  
BERNADETTE BARLOW TRUST, )  
WILLIAM L. BARLOW TRUST AND )  
ERIC BARLOW FROM WYPDES )  
PERMIT NO. WY0052299 )

DOCKET NO. 09-3802

**BRIEFING ORDER**

After review of the record, the affidavits, exhibits and depositions filed in support and opposition of the Motion for Summary Judgment, the arguments made during the hearing on the Motion for Summary Judgment, the Hearing Officer, on his own Motion, believes that an issue exists as to what evidence can be submitted for consideration by the Council at the final hearing in November.

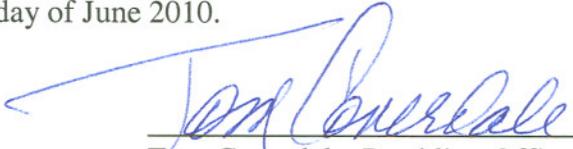
Wherefore, the Parties are hereby directed to submit briefs by June 22, 2010 at 12:00 noon regarding the following issue:

**Whether the Council may consider evidence in this matter that was not part of the application and documentation considered by the Department of Environmental Quality when it approved the permit contested in this matter.**

The Council will consider this matter and make a decision regarding this issue during the Council's July 7- 8, 2010 meeting in Sundance, WY. Oral arguments will not be held.

SO ORDERED.

DATED this 3rd day of June 2010.

  
Tom Coverdale, Presiding Officer  
Environmental Quality Council 

**CERTIFICATE OF SERVICE**

I, Kim Waring, certify that at Cheyenne, Wyoming, on the 3<sup>rd</sup> day of June, 2010, I served a copy of the foregoing **BRIEFING ORDER** by electronic mail to the following:

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